

Assembly Bill No. 1576

CHAPTER 287

An act to add and repeal Chapter 10.1 (commencing with Section 18930) of Part 6 of Division 9 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1997. Filed with
Secretary of State August 18, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, Bustamante. Food assistance.

Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households.

This bill would, under specified circumstances, require, effective September 1, 1997, that the State Department of Social Services establish a Food Assistance Program for legal immigrants who are 65 years of age or older or children losing eligibility for food stamp benefits due to Public Law 104-193. The provision would become inoperative July 1, 2000, and would be repealed on January 1, 2001.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.1 (commencing with Section 18930) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 10.1. FOOD ASSISTANCE PROGRAM FOR LEGAL IMMIGRANTS

18930. (a) Effective September 1, 1997, the State Department of Social Services shall establish a Food Assistance Program to provide assistance for adults 65 years of age or older and minors described in subdivision (b). The department shall enter into an agreement with the United States Department of Agriculture to use the existing federal Food Stamp Program coupons for the purposes of administering this program.

(b) Adults 65 years of age or older and minors under 18 years of age who are noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person's immigration status meets the eligibility criteria of the federal Food Stamp Program in effect on August 21, 1996, but he or she is not

eligible for food stamp benefits solely due to his or her immigration status under Public Law 104-193. All eligible applicants shall have been legally present in the United States prior to August 22, 1996.

(c) In counties approved for alternate benefit issuance systems, that same alternate benefit issuance system shall be approved for the program established by this chapter.

18931. Any person who is eligible for federally funded food stamps shall not be eligible for assistance under this chapter.

18932. Except as otherwise provided in this chapter, the federal and state laws and regulations governing the federal Food Stamp Program shall also govern the program provided for under this chapter.

18933. Benefits provided under this chapter shall be equivalent to the benefits provided under the federal Food Stamp Program.

18934. (a) It is the intent of the Legislature to appropriate in the 1998–99 Budget Act and in the 1999–2000 Budget Act moneys for the purposes of implementing this act in at least the amount appropriated in the 1997–98 Budget Act for that purpose.

(b) This chapter shall become inoperative on July 1, 2000, and as of January 1, 2001, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. (a) Notwithstanding the provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Social Services may implement the applicable provisions of this act through all county letter or similar instructions from the director for 60 days.

(b) The director shall adopt regulations, as otherwise necessary, to implement the applicable provisions of this act no later than July 1, 1998. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to continue to provide for the basic necessities of life and nutritional needs of legal immigrants in California, it is necessary that this act take effect immediately.

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